

Commissioners

MARISEL A. HERNANDEZ, *Chair*
WILLIAM J. KRESSE, *Commissioner/Secretary*
JONATHAN T. SWAIN, *Commissioner*
LANCE GOUGH, *Executive Director*



Board of Election Commissioners for the City of Chicago
Minutes of Special Board Meeting
Tuesday, April 2, 2019
7:00 a.m.
Room 800, Office of the Chair
69 West Washington Street
Chicago, Illinois 60602

7:02 a.m. session

Board Members:

Marisel A. Hernandez, Chair
William J. Kresse, Commissioner/Secretary **[absent at 7:02 a.m. session]**
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Jim Allen, Communications Director
Rachel Brown, Videographer
Trish Sheehy

Guests: none

- I. Call to Order 7:02 a.m. (Commissioner Kresse was absent for the first session)
- II. Consideration of Agenda: The agenda was accepted as presented
- III. Election Day
 - A. Possible removal of judges of election: none as of 7:02 a.m.
 - B. Possible court actions, including to address late polling place openings: General Counsel Adam Lasker reported that we are monitoring several polling places, so far it appears in all cases where a polling place may have opened late, we will not need to have the polling place remain open past 7 PM as the voters affected could stay; we are confirming, and may have to take action later.
- IV. Public Comment: none (at the 7:02 a.m. session)
- V. Recess: Chair moved to recess until the call of the Chair. Commissioner Swain seconded the motion. The motion passed by 2:0 vote of the Board. The Board recessed 7:04 am

11:20 a.m. session

Board Members:

Marisel A. Hernandez, Chair
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Rachel Brown, Videographer
Trupti Patel, Law Clerk
Trish Sheehy

Guests: none

VI. Call to Order: The Chair reconvened the meeting at 11:20 a.m. All members were present.

VII. Election Day issues. Election Day

A. Possible removal of Judges of Election:

Law Clerk Trupti Patel presented the following requests to remove Judges of Election for cause. In each case the Board had received complaints, Board Investigators were dispatched to the relevant polling place, and Investigators submitted reports; in some cases Board Investigators remained on site:

1. Precinct 11 of Ward 3: Democratic Judge Ora Milsap –was reportedly belligerent and used inappropriate language. She was also uncooperative. This appears to be a pattern; this behavior was shown at a previous election. She had been reported for similar behavior in November 2018, but was not removed at that time. Commissioner Swain moved to Order the Removal of Ora Milsap as Judge of Election. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board. Notice and Order of Removal was signed in open session.

2. Precinct 37 Ward 3: Republican Judge Nicholas M. Ashford, Jr. reportedly arrived late to his designated polling place, was disruptive, was unable to perform his duties as a Judge of Election, and intimidated the other poll workers at the polling place. It was reported that he appeared to be in an impaired state. Commissioner Kresse moved to Order the Removal of Nicholas M. Ashford, Jr. as a Judge of Election. Commissioner Swain seconded the motion. The motion was passed by 3:0 vote of the Board. The Notice and Order of Removal was signed in open session.

B. Polling Place late openings: There will be no need for a court order to have any polling place remain open for voting after 7:00. At the few polling places that were late setting up, Election Coordinators and Investigators spoke with all of the voters who would have to leave before the polling places were set up. The Election Coordinators or Investigators either obtained contact information for these voters or received assurances that they would be able to get back to the polling place by 7:00 PM. Ms. Patel, Mr. Lasker and others called the voters for whom contact information was obtained and found that all such voters stated that they will return before 7:00 PM.

VIII. Public comment: None

IX. Recess: Commissioner Swain moved to recess until the call of the Chair. Commissioner Kresse seconded the motion. The motion passed by unanimous vote. The meeting was recessed at 11:28 a.m.

7:11 p.m. session

Board Members:

Marisel A. Hernandez, Chair
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Peter Allen, Videographer
Trupti Patel, Law Clerk
Trish Sheehy

Guests:

Judd Ryan, ES&S
Justin Friest, ES&S

X. Call to Order: The Chair reconvened the meeting at 7:11 p.m. All members were present.

XI. Election Day issues. Election Day

A. Polling Place late openings:

Since the last session there was a fire in the vicinity of one of our polling places. However, it appears that this should not interfere with voting at this polling place.

B. Possible removal of Judges of Election:

Law Clerk Trupti Patel presented the following requests to remove Judges of Election for cause. In each case the Board had received complaints, Board

Investigators were dispatched to the relevant polling place, and Investigators submitted reports; in some cases Board Investigators remained on site::

1. Precinct 27 of Ward 27: Republican Judge Darryl House was reportedly found sleeping at the polling place, with several attempts to waken him being futile. When Mr. House did awaken he reportedly was belligerent and disruptive, was seen knocking things over and spilling things on the table, and then proceeded to use inappropriate language, lash out at everyone present, and refused to perform his duties as a Judge of Election. Mr. House reportedly voluntarily left the site. A motion to Order the Removal of Darryl House as a Judge of Election was made by Commissioner Kresse. Commissioner Swain seconded the motion. The Board voted unanimously to approve the motion. The Notice and Order of Removal was signed in open session.

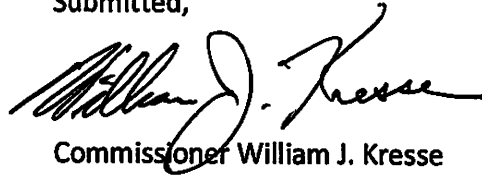
2. Precinct 26 of Ward 29: Republican Judge of Election Billy Molden has reportedly demonstrated a pattern of misconduct during the last two elections and today; the Board received complaints regarding Mr. Molden from voters and fellow judges over these three elections periods. Mr. Molden reportedly acted in ways that violated the code of conduct for Election Judges including, but not limited to, repeatedly marketing his personal business by passing out his personal business cards to voters at the polling place; repeatedly using his personal cell phone instead of performing his duties as a Judge (which caused voters to believe that he was recording them); and, refusing to cooperate with fellow Judges and other poll workers. A motion to Order the Removal of Billy Molden as a Judge of Election was made by Commissioner Kresse. Commissioner Swain seconded the motion. The Board voted unanimously to approve the motion. The Notice and Order of Removal was signed in open session.

3. Precinct 44 Ward 2: Republican Judge of Election Carl Lane reportedly appeared to be asleep at the desk, and at one point had to be restrained by fellow Judges when he began yelling at a voter who had asked him for assistance. Mr. Lane reportedly followed a voter to the voter's car and held onto the car door in a manner that caused concern for the safety of the children in the building next door. Additionally, he reportedly proceeded to sit in the polling place with his headphones on and neglect his duties as Judge of Election. Commissioner Swain made a motion to Order the Removal of Carl Lane as a Judge of Election. Commissioner Kresse seconded the motion. The motion carried by a 3:0 vote. The Notice and Order of Removal was signed in open session.

Mr. Lasker stated that there is one more Judge of Election Removal, but that the case was still being processed, and may be dealt with at the next Board Meeting. As the polls are now closed, and the Judge of Election in question has already left the polling place, there is no need to address it this evening.

- VI. Adjourn: Commissioner Kresse moved to adjourn the Special Board Meeting. Commissioner Swain seconded the motion. The Board voted unanimously to adjourn. The meeting was adjourned at 7:20 p.m.

Submitted,

A handwritten signature in black ink, appearing to read "William J. Kresse". The signature is fluid and cursive, with a large initial "W" and "J".

Commissioner William J. Kresse
Secretary